

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MAY - 3 2004

Norman H. Meyer, Jr., CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIBOLA COUNTY, NEW MEXICO;  
CIBOLA COUNTY BOARD OF  
COMMISSIONERS; FREDDIE JOHN SCOTT,  
ISAAC F. PADILLA, W. FRANK EMERSON,  
ARTURO CANDELARIA and BENNIE COHOE,  
Members of the Cibola County Board  
of Commissioners; and EILEEN  
MARTINEZ, Cibola County Clerk,

Defendants.

NO. CIV 93 1134 LH/LFG

ORDER EXTENDING AND MODIFYING STIPULATION AND ORDER

The United States initiated this action on September 27, 1993, pursuant to Sections 2, 12(d), and 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973, 42 U.S.C. 1973j(d), 42 U.S.C. 1973aa-1a, and 28 U.S.C. 2201, alleging violations of the Voting Rights Act arising from Cibola County's election practices and procedures as they affect Native American citizens of the County, including those Native American citizens who rely in whole or in part on the Navajo and Keresan languages. The County did not contest these allegations and agreed to remedy them by entering into a Stipulation and Order. On April 21, 1994, the three-judge court in this case entered the Stipulation and Order

("Order") which, by its terms, is otherwise set to expire on March 15, 2004.

In the Stipulation filed with this Court, defendants concede that they violated the terms of the Order by failing to furnish all instructions, assistance and other information relating to voting orally in the Navajo and Keresan language. See 42 U.S.C. 1973aa-1a(c); see also 28 C.F.R. 55.12. The parties agree that this constitutes good cause to extend portions of the Order. The parties have agreed to certain modifications of the Native American Election Information Program as provided in the parties' Stipulation.

After consideration of the Stipulation and Joint Motion for Modification and Extension of Stipulation and Order, and good cause appearing, the Court finds the terms of the Stipulation fair and reasonable, and it is hereby ORDERED that this Court's April 21, 1994 Order, as modified, is hereby extended until December 31, 2006, and the Native American Election Information Program is modified as provided in the parties' Stipulation.

The Court shall retain jurisdiction of this case to enter further relief or such other orders as may be necessary for the effectuation of the terms of this agreement and to ensure compliance with Sections 2 and 203 of the Voting Rights Act, 42 U.S.C. 1973, 1973aa-1a, and the Fourteenth and Fifteenth Amendments to the Constitution.

Entered this 22<sup>nd</sup> day of April, 2004.



THE HONORABLE BOBBY R. BALDOCK  
United States Circuit Judge  
United States Court of Appeals  
for the Tenth Circuit



THE HONORABLE C. LEROY HANSEN  
*Son's* Chief United States District Judge  
United States District Court for  
the District of New Mexico



THE HONORABLE JOHN E. CONWAY  
United States District Judge  
United States District Court for  
the District of New Mexico

SUBMITTED BY:

DAVID C. IGLESIAS  
United States Attorney  
R. ALEXANDER ACOSTA  
Assistant Attorney General

/s/ (electronically submitted 03-15-04)

JOSEPH D. RICH  
JOHN K. TANNER  
RICHARD DELLHEIM  
SADA MANICKAM  
For Plaintiff

CIBOLA COUNTY, et al.

Approved by e-mail 03-15-04

JOSEPH DIAZ

Modrall, Sperling, Roehl, Harris  
& Sisk, P.A.

*For Defendants*